

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Melina Razavi,

NO. C 08-05552 JW

Plaintiff,

**ORDER OF DISMISSAL**

v.

John Seaman, et al.,

Defendants.

Plaintiff filed this action on December 12, 2008. (See Docket Item No. 1.) Pursuant to Fed. R. Civ. P. 4(m), Plaintiff was to serve Defendants on or before April 11, 2008. The Docket reflects that to date, Plaintiff has not served any of the Defendants.<sup>1</sup> The record does not reflect that Plaintiff sought leave of the Court to extend the time for service.

On October 1, 2009, the Court issued an Order to Show Cause re: Dismissal for Failure to Comply with Fed. R. Civ. P. 4(m). (Docket Item No. 24.) In its Order, the Court ordered Plaintiff to file a response on or before October 16, 2009 to provide the Court with an explanation as to the tardiness of her service of process. (Id.) The Court warned that “[f]ailure to comply with any part

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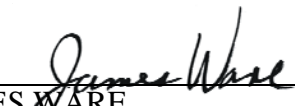
<sup>1</sup> Plaintiff has sued over twenty Defendants. The docket reflects that on January 15, February 2, and April 16 of 2009, the Clerk mailed requests to Plaintiff via certified mail requesting addresses for all Defendants so that they could be served by United States Marshall. On April 27, 2009, Plaintiff filed a letter requesting appointment of counsel and stating that she was unable to provide addresses for any of the Defendants. (See Docket Item No. 14.) On May 6, 2009, mail addressed to Plaintiff was returned as unclaimed. (See Docket Item No. 16.) The docket reflects that no Defendant addresses were ever provided to the Court as requested.

1 of this Order may result in dismissal pursuant to Fed. R. Civ. P. 41(b), which is a dismissal on the  
2 merits, or other forms of sanctions.” (Id.)

3 To date, Plaintiff has failed to file the appropriate certificate or otherwise communicate with  
4 the Court. It appears that Plaintiff has abandoned this litigation. Accordingly, the Court  
5 DISMISSES this action pursuant to Fed. R. Civ. P. 41(b) for lack of prosecution.<sup>2</sup> This dismissal is  
6 on the merits.

7 The Clerk shall close this file.

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9 Dated: October 21, 2009

  
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JAMES WARE  
United States District Judge

United States District Court  
For the Northern District of California

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25 <sup>2</sup> The Court notes that the Court has dismissed two other actions brought by the same  
26 Plaintiff in recent years pursuant to Fed. R. Civ. P. 41(b). (See Case No. 06-0473, Docket Item No.  
27 17; Case No. 05-5298, Docket Item No. 19.) The Court dismissed both actions for, *inter alia*, failing  
28 to timely serve defendants pursuant to Fed. R. Civ. P. 4(m). It appears that Plaintiff has a habit of  
filing actions and then abandoning them.

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2  
3 Melina Razavi  
4 Post Office Box 53034  
5 San Jose, CA 95153

6 **Dated: October 21, 2009**

**Richard W. Wieking, Clerk**

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8 **By: /s/ JW Chambers**  
9 **Elizabeth Garcia**  
10 **Courtroom Deputy**